

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

METASWITCH NETWORKS LTD,

Plaintiff,

v.

GENBAND US LLC, ET AL.,

Defendants.

Civil Action No. 2:14-cv-744-JRG-RSP

GENBAND US LLC,

Counterclaim Plaintiff,

v.

METASWITCH NETWORKS LTD, et al.,

Counterclaim Defendants.

VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Court's Final Instructions to the Jury. Your answers to each question must be unanimous.

In this Verdict Form, "Metaswitch" refers to Metaswitch Networks Ltd. and Metaswitch Networks Corp, and "Genband" refers to Genband US LLC.

METASWITCH'S ASSERTED PATENTS

1. **INFRINGEMENT.** Did Metaswitch prove by a preponderance of the evidence that Genband infringes the following claims of the following patents?

Answer "Yes" or "No" for each Claim.

'273 Patent

Claim 18* No (if your answer is "No" for claim 18, you must mark "No" for Claim 24)

Claim 24 No

Claim 27 No

'282 Patent

Claim 2 No

'482 Patent

Claim 6* No (if your answer is "No" for claim 6, you must mark "No" for Claim 7)

Claim 7 No

'522 Patent

Claim 10 No

Claim 14 No

'640 Patent

Claim 8 No

'768 Patent

Claim 1 No

2. **INVALIDITY.** Did Genband prove by clear and convincing evidence that any of the listed claims of the following Metaswitch patents are invalid?

Answer "Yes" or "No" for each Claim.

'273 Patent

Claim 18* Yes (if your answer is "No" for Claim 18, you must mark "No" for Claim 24)
Claim 24 Yes
Claim 27 Yes

'282 Patent

Claim 2 Yes

'482 Patent

Claim 18* Yes (if your answer is "No" for Claim 6, you must mark "No" for Claim 7)
Claim 7 Yes

Answer the following questions on damages for each patent only if you found at least one claim of a patent valid ("No" answer to Question 2), and the same claim of that patent infringed ("Yes" answer to Question 1). The validity of the '522, '640, and '768 patents is not in dispute, so if you find that any claim of those patents is infringed, you may award damages.

3. **DAMAGES.** What sum of money, if paid now in cash, do you find would fairly and reasonably compensate Metaswitch by a preponderance of the evidence for Genband's infringement regarding the following patents:

A. **'273 Patent:** \$ 0

This amount is to be a (check one):

_____ lump sum *or* _____ running royalty

B. **'282/'482 Patents:** \$ 0

This amount is to be a (check one):

_____ lump sum *or* _____ running royalty

C. **'522 Patent:** \$ 0

Based on the evidence, this award, if any, will be a lump sum and not a running royalty.

D. **'640 Patent:** \$ 0

This amount is to be a (check one):

_____ lump sum *or* _____ running royalty

E. **'768 Patent:** \$ 0

Based on the evidence, this award, if any, will be a lump sum and not a running royalty.

GENBAND'S ASSERTED COUNTERCLAIM PATENTS

4. **INFRINGEMENT.** Did Genband prove by a preponderance of the evidence that Metaswitch infringes the following claims of the following patents?

Answer "Yes" or "No" for each Claim.

'006 Patent

Claim 15 No

'210 Patent

Claim 1 No

'252 Patent

Claim 1 No

'667 Patent

Claim 6 No

5. **INVALIDITY.** Did Metaswitch prove by clear and convincing evidence that any of the listed claims of the following Genband patents are invalid?

Answer "Yes" or "No" for each Claim.

'210 Patent

Claim 1 Yes

'252 Patent

Claim 1 Yes

'667 Patent

Claim 6 Yes

Answer the following questions on damages for each patent only if you found at least one claim of a patent valid ("No" answer to Question 5), and the same claim of that patent infringed ("Yes" answer to Question 4).

6. **DAMAGES.** What sum of money, if paid now in cash, do you find would fairly and reasonably compensate Genband by a preponderance of the evidence for Metaswitch's infringement regarding the following patents:

A. '006 Patent:

\$ 0

Based on the evidence, this award, if any, will be a running royalty and not a lump sum.

B. '210/'252 Patent:

\$ 0

Based on the evidence, this award, if any, will be a running royalty and not a lump sum.

C. '667 Patent:

\$ 0

Based on the evidence, this award, if any, will be a running royalty and not a lump sum.

Signed this 17 day of March, 2016

JURY FOREPERSON